

Ms Renata Hesse, Trial Attorney
Suite 1200, Anti-Trust Division
Department of Justice
601 D Street NW
Washington, DC 20530

25 Jan. 2002

Dear Ms. Hesse,

I would like to add my thoughts to the others you receive regarding the proposed Microsoft settlement. In a nutshell, I believe the present settlement is inadequate to rectify a situation that, even while it helps some, also harms many others, both businesses and customers.

I am a private, self-employed, long-time computer user, and do not work in the computer or software industries. This makes me a customer. Let me state at the outset that I see no objection to a company, and company personnel, making large profits from a successful business. My objections are purely with the unethical, coercive, and harmful means with which that success was attained. The observations below are drawn from my own experiences and from news and anecdotes from select other sources. So I don't pretend to have complete and detailed knowledge, but am comfortably certain of the following:

- Microsoft has used pervasively the tactic of 'bundling' its software with new computers, forcing thousands of customers buying a new computer to pay for a Microsoft Windows operation system when they didn't want it and intended to erase it.
- Microsoft used blackmail tactics to induce companies with which they did business to use MS software or lose that business.
- Microsoft covertly employed people to pose as unaffiliated with MS but who issued concerted streams of lies and disinformation intended to instill Fear, Uncertainty, and Doubt (commonly known on usenet as FUD) in actual and potential users of non-Microsoft software. The Edelman PR and the Barkto incidents of four years ago are specific examples. Other similar tactics include the MS-fabricated 'grass roots' campaign to dissipate the increasing objections to Microsoft's nefarious tactics.
- Most directly experienced is Microsoft's concerted sabotage of non-MS software that competes with MS software. Most competing software applications went to some pains to describe how to work with MS Windows, while Windows ignored these apps and lavished attention on MS apps. But this neglect was only the beginning: Microsoft invariably 'tweakes' its OS to break competing apps. This has been happening so consistently, for so long, and requires such specific action, that it is not realistic to think it is accidental.

It is true that Microsoft's aggressive marketing has helped swell the number of computer users, and its enforced 'upgrading' regime has increased both hardware and software sales. These have lowered general costs, though at the expense of increased per-customer 'upgrading' cost. But their unethical business tactics have stifled competition and impeded diversification, exacting the additional cost on consumers of decreased choice and lowered quality (re-

liability and security of Microsoft software is generally deplorable by professional standards).

Some years ago the Department of Justice took IBM to task for its perceived business transgressions, issuing two decrees by which IBM needed to abide. It seems to me that Microsoft is at least as guilty of ethical misbehavior as IBM was, and therefore should be subjected to equally stern measures. In particular, mirroring the second IBM decree, the operating system should be open enough that independent software vendors have the information they need to write software that can compete with that written by Microsoft. This information needs to be equally accessible, with equal timeliness, to the independent software producer as to Microsoft's own applications producing department. A specific case of this is document formats, whose specifications should be generally available so that Microsoft-produced documents could be read and edited by non-MS programs.

Given Microsoft's established record of unethical coercive business tactics, it is difficult to see how one can realistically expect Microsoft NOT to apply those tactics if they are able and have the motivation. If the same management entity controls both the OS producing department and the apps producing department, then it has the ability, and if it profits from both departments, it has the motivation. This is why I expect that as long as Microsoft's operations are combined, producing both OSs and apps, independent software producers will suffer large handicaps and customers, both business and private, will remain deprived of the advantages of product diversification and true competition.

Cordially,

A handwritten signature in black ink, reading "Dushan Mitrovich". The script is cursive and fluid, with the first name "Dushan" and last name "Mitrovich" clearly legible.

Dushan Mitrovich
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